

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DEFENSE DISTRIBUTED et al.,

Plaintiffs,

v.

MATTHEW J. PLATKIN, Attorney General
of the State of New Jersey,

Defendant.

Civil Action No. 19-4753 (MAS) (TJB)
(consolidated with No. 21-9867)

MEMORANDUM ORDER

This matter comes before the Court upon Defendant Matthew J. Platkin, Attorney General of New Jersey's ("Defendant") Motion to Dismiss Plaintiffs Defense Distributed and Second Amendment Foundation, Inc.'s ("Plaintiffs") Second Amended Complaint (ECF No. 69) and Plaintiffs' Motion to Transfer (ECF No. 78). Before reaching these motions, the Court must address the state of the docket in this consolidated matter.

On June 11, 2021, Member Case 21-9867 (the "Member Case") was consolidated into Lead Case 19-4753 (the "Lead Case"). (ECF No. 43.) As a result, on May 17, 2022, the Member Case was closed. (*See* ECF No. 55.) On July 27, 2022, all Plaintiffs in the Lead Case voluntarily dismissed the Lead Case, while preserving Plaintiffs' claims asserted in the previously closed Member Case. (ECF No. 60.) Plaintiffs then moved to transfer the Member Case to the Western District of Texas. (ECF No. 64.) On October 25, 2022, this Court denied Plaintiffs' Motion to Transfer and ordered Defendant to respond to Plaintiffs' Second Amended Complaint in the Member Case. (ECF No. 66, 67.)

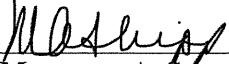
Pursuant to the Court's inherent authority to control its docket, and pursuant to Plaintiffs' voluntary dismissal of the Lead Case and the Court's October 25, 2022 Order making the Second Amended Complaint in the Member Case the operative pleading in this matter,

IT IS on this 26th day of April 2023, **ORDERED** as follows:

1. This matter is deconsolidated, the Lead Case (Case No. 19-4753) is closed, and the Member Case (Case No. 21-9867) is reinstated.
2. Defendant's Motion to Dismiss (ECF No. 69) and Plaintiffs' Motion to Transfer (ECF No. 78) in the Lead Case are administratively terminated.
3. As the operative Second Amended Complaint in the Member Case (ECF No. 117) includes United States State Department Defendants that are no longer parties to this action, **Plaintiffs are directed to file, within fourteen (14) days, a Third Amended Complaint in this Member Case**, removing any allegations or claims against State Department Defendants.
4. Defendant may refile its Motion to Dismiss in the Member Case, if it so chooses, after filing of a Third Amended Complaint by Plaintiffs.¹
5. As the Motion to Transfer has already been fully brief in the Lead Case, the Court directs the Clerk's Office to file Plaintiffs' Motion to Transfer from the Lead Case (ECF No. 78), Defendant's Opposition (ECF No. 79), and Plaintiffs' Reply (ECF No. 80) on the Member Case docket (Case No. 21-9867).

¹ After the Third Amended Complaint is filed, the Court will decide Plaintiffs' Motion to Transfer before adjudicating any Motion to Dismiss filed by Defendant.

6. The Clerk's Office is also directed to activate Plaintiff's Motion to Transfer in the Member Case upon docketing.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE